

REMARKS

The present application has been reviewed in light of the Office Action dated June 27, 2003. Claims 1, 4-7, 10, 13-15, 18, and 30-37 are presented for examination, of which Claims 1 and 18 are in independent form. Claims 1, 4-7, 18, and 30-33 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1, 4-7, 10, 13, 14, 18, and 30-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,023,869 (Grover et al.); and that Claims 15 and 37 are rejected under § 103(a) as being unpatentable over Grover et al. in view of U.S. Patent No. 6,246,665 (Watanabe et al.). Applicants respectfully traverse the rejections and submit that independent Claims 1 and 18, together with the claims dependent therefrom, are patentably distinct from Grover et al. for at least the following reasons.

An aspect of the present invention set forth in Claim 1 is directed to a communication apparatus that includes a communication unit and a control unit. The communication unit, which has different transfer rates, an isochronous transfer mode, and an asynchronous transfer mode, is adapted to transmit a predetermined packet to destinations by the asynchronous transfer mode using at least one of the different transfer rates until responses from all of the destinations are received. The control unit is adapted to determine a maximum transfer rate between the apparatus and the destinations, based on a response transmitted from each of the destinations.

Grover et al. relates to ISDN communications and discloses a system for determining the highest transmission rate between two stations of an ISDN communications link.

As understood by Applicants, Grover et al. teaches determining a maximum transmission rate on the basis of an "RxOK" signal from a RESPONDER sent in response to a test signal from an ORIGINATOR (see, for example, the abstract and columns 9-10).

Nothing has been found in Grover et al. that is believed to teach or suggest a communication apparatus that includes "a communication unit having different transfer rates, an isochronous transfer mode, and an asynchronous transfer mode, and adapted to transmit a predetermined packet to destinations by the asynchronous transfer mode using at least one of the different transfer rates until responses from all of the destinations are received," and "a control unit adapted to determine a maximum transfer rate between the apparatus and the destinations, based on a response transmitted from each of the destinations," as recited in Claim 1

As discussed above, the Grover et al. system relates only to ISDN communications. As such, Grover et al. fails to disclose or suggest determining a maximum transfer rate in a *packet* communication system, which has different transfer modes and which transfers a predetermined packet to destinations in the asynchronous transfer mode, as claimed in Claim 1.

Further, Applicants submit that Watanabe et al. fails to remedy the deficiencies of Grover et al. As understood by Applicants, Watanabe et al. teaches the use of a packet that includes a connection ID, but fails to teach or suggest determining a maximum transfer rate in a packet communication system, which has different transfer modes and which transfers a predetermined packet to destinations in the asynchronous transfer mode, as claimed in Claim 1.

Furthermore, Applicants respectfully submit that one of ordinary skill in the

relevant art would find no suggestion in Grover et al. to significantly modify the Grover et al. system, which relates only to ISDN communications, to render the system capable of performing packet communications. It is not even clear whether such a modification is possible.

Accordingly, Applicants submit that Claim 1 is patentable over the cited prior art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claim 18 includes a feature similar to that discussed above, in which a maximum transfer rate is determined for a packet communication system, which has different transfer modes and which transfers a predetermined packet to destinations in the asynchronous transfer mode. Therefore, Claim 18 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or the other of the independent claims discussed above, and therefore are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

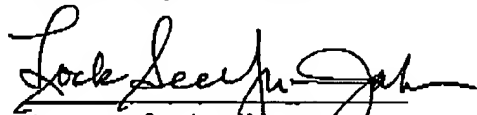
In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for the present Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

CONCLUSION

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Attorney for Applicants

LOCK SEE YU JAMES

Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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